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APR 14 2004

MARY E. D'ANDREA, CLERK
Per AAA
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA
formerly CYNTHIA ANNE KAYLOR
Plaintiff

v.

NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY
Defendant

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Civil Action No. 1 CV-00-1342

(Judge James McClure)

**PLAINTIFF'S MOTION FOR EXCEPTION FROM
RULE 5.6 REQUIREMENT FOR ELECTRONIC FILING OF DOCUMENTS**

AND NOW, this 14th day of April 2004, comes the Plaintiff by and through her attorney Archie V. Diveglia, of Diveglia and Kaylor, P.C. who files this Motion for an Exception from Rule 5.6 requiring electronic filing of documents, on the following basis:

1. Your Petitioner is Archie V. Diveglia, of Diveglia and Kaylor, P.C., a law firm of only two attorneys.
2. The only case that your Petitioners have in any Federal Court is the above captioned matter in which your petitioner, Archie V. Diveglia, represents his law partner, Cynthia A. Kaylor, Esquire, as Plaintiff in an action against the defendant Northwestern Mutual Life Insurance Company. This action was filed on July 28, 2000.
3. The above action is nearing its conclusion with trial scheduled for July 6, 2004 by Order of Judge James McClure dated March 23, 2004.
4. The remaining filings in the above action consists of the pretrial memorandum, trial brief, and remaining pre-trial matters related thereto.

5. After this matter is completed, your Petitioner does not intend to engage in any further Federal practice.

6. Your Petitioner's secretary only uses a computer for the limited use word processing, and Archie V. Diveglia does not use the computer at all and is completely computer illiterate and unlikely to become computer knowledgeable and competent on the computer in the foreseeable future to do on line filings.

7. No one in your Petitioner's office has the technical skill to perform the electronic filings, nor would the secretary or attorneys likely have the capacity of time to devote to the schooling, and installation of computer programs and equipment needed to bring the law firm into compliance with the required on-line requirements.

8. This particular case is also of a very personal nature because it involves one of the two attorneys, and very confidential matters that your Petitioner does not wish to disclose to the office secretary.

9. It would be burdensome, and costly for your Petitioner to obtain outside resources (assuming outside resources are available), to install and otherwise do the necessary procedures needed to bring the law firm into compliance for on-line filing.

10. The Defendant concurs with the filing of this Motion as indicated by the enclosed Certificate of Concurrence.

WHEREFORE, Your Petitioner seeks an exception from the on-line electronic filing rule 5.6 for the remainder of the filings in the above captioned case.

Respectfully submitted,

By: 

Archie V. Diveglia, Esq.
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New Oxford, Pa 17350
Telephone: (717) 624-2500
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DIVEGLIA AND KAYLOR, P.C.

ATTORNEY IN CHARGE FOR
Plaintiff, Cynthia A. Diveglia

CERTIFICATE OF SERVICE

I, ARCHIE V. DIVEGLIA, attorney for Plaintiff Cynthia A. Diveglia, on this 14th day of April, 2004, do hereby state that I have served a copy of the Motion for an Exception to Rule 5.6 upon counsel for Defendant by placing a copy of the same in the United States mail, first class, postage prepaid to:

E. Thomas Henefer, Esquire
Stevens & Lee located at
P.O. Box 679
Reading, PA 19603-0679

Respectfully submitted,

By: 

Archie V. Diveglia, Esq.
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2 Lincolnway West
New Oxford, Pa 17350
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DIVEGLIA AND KAYLOR, P.C.

ATTORNEY IN CHARGE FOR
Plaintiff, Cynthia A. Diveglia